

REMARKS

Claims pending in the instant application are numbered 1-40. Claims 1-40 are rejected.

The Applicant respectfully requests reconsideration of the present application in view of the amendments and the following remarks.

35 U.S.C. § 101 Rejections

Claims 1-40 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The claims merely recite a mathematical algorithm. Claims 11-20 are rejected under 35 U.S.C. § 101 because the claims recite a computer program product.

For subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea or mathematical algorithm in the technological arts. A claim is limited to a practical application when the method, as claimed, produces a concrete, tangible, and useful result (MPEP § 2106, page 2100-18 of MPEP 8th Edition, rev. 2, May 2004).

The Applicant submits that claims 1, 11, 21 and 31 as presently amended overcome the instant § 101 rejections. No new matter has been added; the Examiner's attention is directed to paragraphs [0026]-[0029] and [0037], [0059]-[0060] of the Applicant's specification as originally filed. Further, the Applicant submits that amended claims 11-20 recite proper computer program product claims.

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Summary of Examiner Interview

The Applicant's below-named representative communicated with the Examiner between August 4, 2005, and August 16, 2005, regarding the instant Office Action. The Examiner agreed that the above claim amendments overcome the instant § 101 rejections to claims 1-40.

Conclusion

The Applicant submits that in view of the remarks and amendments set forth herein, all pending claims are in condition for allowance. Therefore, the Applicant respectfully requests the Examiner to issue a Notice of Allowance in this case.


Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: Aug. 17, 2005


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